



# **Licensing Board**

February 27, 2012 - 7:00 p.m. – **Agenda**  
133 William Street, Room 314

View Minutes

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**REQUIRED:** Steven A. Beauregard, Chairman  
Ronald E. Frenette, Commissioner  
Marcelino “Sonny” G. Almeida, Commissioner  
Atty. John Flor, Asst. City Solicitor  
Capt. Steven Vicente, Police Department Liaison to the Lic. Bd.  
Nick Nanopoulos, Director

A/O 02/22/12

**INVITED:** David Provencher, Police Chief

## **‘RETURNED NO ACTION’ – 01/26/12**

### **Transfer of License - Trans. # 182 – Plot # 84 – 202**

**Premium Liquors, Inc., Joseph Casella, President**, who is petitioning to **Transfer a Retail Package Store All Alcoholic Beverages License** to **Sakellarios Vallas d/b/a Premium Liquors**. Upon approval, **Sakellarios Vallas** will be the Sole Owner (100 %) and **Manager**, of the liquor license. Premises will remain the same at **1926 Purchase Street**.

**Application has been advertised**

***To be sent back to the ABCC “For Reconsideration”, only upon notification from the Applicant and the ABCC that all outstanding issues have been resolved***

## **DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION**

### **Transfer & Change of Location & License Type - Trans. # 039 – Plot # 53--144**

**John Bernard Corp. d/b/a Cambories, Matthew A. Morrissey, Executive Director** (as held by NBEDC, per Court Order), license formerly exercised on premises located at **804 – 808 Belleville Avenue**, who is petitioning to **transfer a Common Victualler (Restaurant) Wine & Malt Only Beverages License** to **Celtic Coffee House, LLC d/b/a Barker’s Lane**. Phillip Dwane is a Co-Manager and Interest Holder (50%) of the LLC; and **Ryan Dwane** is a Co-Manager and Interest Holder (50%) of the LLC, and the **Proposed Manager of the Liquor License**. The applicant is also requesting a **Change of Location to 139 Union Street**, and a **Change of License Type from a 6 Day License to a 7 Day License**. Upon completion of renovations, the premises will consist of one (1) room approximately 2,850 sq. ft., which will include both a front and rear dining area, bar area, kitchen area, a waiting and hostess area, and two (2) restrooms located on the first floor of a three-story building; along with an additional room approximately 1,225 sq. ft. on the second floor, which will be used for additional seating and private functions, and will include a service bar and one (1) restroom; this area will be accessible by a stairway from the first floor front dining area, which will also have an additional emergency exit by way of a stairwell leading onto Union Street. There will also be additional storage of alcohol in the basement, which will be accessible through a stairwell in the kitchen area. The premises is situated on the north side of Union Street between Acushnet Avenue and North Second Street, and includes one (1) entrance/exit on the south side (front dining area) of the building onto Union Street, and one (1) entrance/exit on the north side (rear dining area) of the building onto Barker’s Lane, and will be numbered **139 Union Street**. Final approval will require a **‘Certificate of Inspection’** from the Building Department, a **‘Food Permit’** from the Health Department, and a signed **‘Fire & Building Certificate’** with regard to Chapter 304 Fire Acts Compliance; along with a copy of **‘Proof of Liquor Liability’**.

**Application has been advertised; Abutters have been notified**

**1<sup>st</sup> Attempt - Disapproved by the ABCC –02/07/12-** **Failure to Comply With Mass Tax Laws (DUA); Application to be sent back to ABCC “For Reconsideration” only upon notification from the Applicant or the DUA that all outstanding issues have been resolved.**

**Change of Officer Trans. # 110 – (Plot # 19--48)**

**The Sky Room, Inc. d/b/a The Sky Room, Audrey Carter, President**, who is requesting a **Change of Officers** of the Common Victualler (Restaurant) **All Alcoholic Beverages License**; and who is requesting the acceptance of her resignation as President, and the approval of **Jade L. Traore as the New President**. Audrey Carter will remain as Treasurer, Clerk, Sole-Director, Sole Shareholder (100 Shares) and Manager. Premises will remain the same at **651 Orchard Street**.

**3<sup>rd</sup> Attempt - Disapproved by the ABCC – 02/09/12- Failure to Comply With Mass Tax Laws (DOR)**

**Received 02/17/12 – ‘Written Request’ to withdraw and not to re-submit the paperwork for a Change of Officer**

***No Further Action Recommended***

**Change of Officers, Directors, & Manager - Trans. # 060 – Plot # 439--35**

**DNJ Enterprises, Inc. d/b/a Oceans 18, Diane Nichols, President**, who is petitioning for a **Change of Officers, Director, and Manager**, and to accept her resignation as President and Co-Director; upon approval, James C. Nichols, Sr. will be the President, Secretary, Sole-Director, and will remain as the Sole Stockholder (100%); and **James C. Nichols, Jr.** will be the Treasurer and the **New Manager**. Premises will remain the same at **500 King’s Highway**.

***Application has been advertised***

**1<sup>st</sup> Attempt - Disapproved by the ABCC –02/14/12- Failure to Comply With Mass Tax Laws (DUA); Application to be sent back to ABCC “For Reconsideration” only upon notification from the Applicant or the DUA that all outstanding issues have been resolved.**

**1. PETITION - Trans. #170 – Plot # 65 - 278**

**Jai Balaji, LLC d/b/a Mark’s Beverage, Manubhai Patel, Co-Manager of LLC**, who is requesting a **Change of Members and Managers of the LLC, along with a Transfer of Membership Interest** of the **Retail Package Store All Alcoholic Beverages License**. Girish M. Kanparia and Manish M. Kanparia are requesting their resignations as Co-Members and Co-Managers of the LLC, and allow the transfer of their membership interests (33.3% ea.) to **Manubhai Patel**, who will be the Sole Member, Sole Manager, and Sole Interest Holder on the LLC; and who, will also remain as the **Manager of the Liquor License**. Premises will remain the same at **642 County Street**.

***Application has been advertised***

**2. PETITION - Trans. # 132 – Plot # 18-108-A**

**New Bedford Lodge # 914, Loyal Order of Moose, 119 Rockdale Avenue** is requesting the approval of **Danny Lee Johnson** who resides at **273 Cleveland Street, New Bedford, Ma.** as their new **Manager**.

**3. PETITION - Trans. # 070 – Plot # 53-231-B**

**Matterhorn Re, LLC d/b/a “Cork”, Jason P. Lanagan, Manager of LLC**, who is petitioning to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages License** to include the third floor level of the four level building, which will also include an enclosed outside patio area. The additional room on the third level includes a dining area with a service bar, a hostess & reception/waiting area, two handicapped accessible restrooms, a private office, and a small storage area, in an area approximately 1,200 sq. ft.; the area will be accessible by a stairway and an elevator from the lower level. The outside patio area, which will only be accessible from the hostess & reception/waiting area, will include table seating for 32 patrons in an area approximately 480 sq. ft. The patio which is contiguous to the third floor level dining area will be enclosed with six (6) foot fencing, with one fire exit off the patio onto Union Street, and will remain numbered **90 Front Street**.

Final approval will require a signed **‘Fire & Building Certificate’** with regard to Chapter 304 Fire Acts Compliance, as well as final approval from both the Building and Health Departments, upon completion of the renovations.

***Application has been advertised; Abutters have been notified***

**4. PETITION - Trans. #203 – Plot # 31--239(No Representation Needed)**

**Racing Mart, LLC d/b/a ‘BP’, Alexandre El Tom, Manager of LLC**, is requesting a **Change of LLC Member, along with a Transfer of Membership Interest** of the **Retail Package Store Wine & Malt Only Beverages License**. Johnny Kayrouz is requesting the acceptance of his resignation as a Co-Member of the LLC and to allow the transfer of his membership interests (50%) to **Alexandre El Tom**, who will become the Sole Member, Sole Manager, and Sole Interest Holder of the LLC (100%); and who, will also remain as the **Manager of the Liquor License**. Premises will remain the same at **56 Potomska Street**.

***Application has been advertised***

***Tabled at 01/23/12 Meeting***

**5. PETITION - Trans. #221 – Plot # 52--289 (No Representation Needed)**

**Crush Beverage Company, Inc. d/b/a Crush Fine Wines, Yogesh Labhsetwar, President**, who is requesting approval of a **Pledge of the Retail Package Store Wine & Malt Only Beverages License** to the **New Bedford Economic Development Council, 1213 Purchase Street, New Bedford, MA.** as security to authorize and execute a promissory note in the amount of **Seventy Thousand Dollars (\$70,000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23.

**Minutes of 01/23/12 Meeting**

Mr., Nanopoulos informed the Board that he had been contacted earlier in the day by the applicant requesting that the petition be tabled to the Board's next meeting, in order to give their Attorney an opportunity to review the Pledge Agreement that was drawn up by the Attorney representing the NBEDC, prior to signing the agreement.

**Voted:** Commissioner Frenette made a motion to table the matter to the Board's next meeting on February 27, 2012 – **Unanimous**

**6. APPLICATION, (No Representation Needed)**

**Buttonwood Park Zoological Society, Kristen Gray, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Business After Hours Event' to be held at the **Buttonwood Park Zoo**, located at **425 Hawthorn Street**; and to be held on **Wednesday, February 8, 2012 from 5:00 p.m. until 9:30 p.m.**

**7. APPLICATION, (No Representation Needed)**

**SOCO Magazine, Ellen Dion, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'SOCCO After Hours Event' to be held at the **Ocean Explorium**, located at **174 Union Street**; and to be held on **Thursday, February 16, 2012 from 6:00 p.m. until 9:00 p.m.**

**8. APPLICATION, (No Representation Needed)**

**Northstar Learning Center's Schooner Program, Anna Machado, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'A Mardi Gras Fundraiser' to be held at **Ingram Place**, located at **80 Rivet Street**; and to be held on **Tuesday, February 21, 2012 from 5:00 p.m. until 7:00 p.m.**

**9. APPLICATION, (No Representation Needed)**

**Irmandade Do Divino Espirito Santo Do Pico, Inc., Jose Matos, President** requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Presentation of Carnaval Dancers', and to be held at the **Irmandade Do Divino Espirito Santo Do Pico Club**, located at **2056 Acushnet Avenue**; and to be held on **Sunday, February 26, 2012, from 1:00 p.m. until 8:00 p.m.**

**10. APPLICATION, (No Representation Needed)**

**New Bedford Whaling Museum, Amy Morrison, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Combined Speaker Series Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, March 1, 2012 from 6:30 p.m. until 7:30 p.m.**

**11. APPLICATION, (No Representation Needed)**

**"Healing Little Hearts", Kelly Weglowski, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their '5<sup>th</sup> "Healing Little Hearts" Fundraiser' to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, March 3, 2012 from 6:00 p.m. until 11:30 p.m.**

**12. APPLICATION, (No Representation Needed)**

**Irmandade Do Divino Espirito Santo Do Pico, Inc., Jose Matos, President** requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Harvest Dinner', and to be held at the **Irmandade Do Divino Espirito Santo Do Pico Club**, located at **2056 Acushnet Avenue**; and to be held on **Saturday, March 10, 2012, from 6:00 p.m. until 11:00 p.m.**

**13. APPLICATION, (No Representation Needed)**

**New Bedford Whaling Museum, Amy Morrison, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Combined Speaker Series Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, March 15, 2012 from 6:30 p.m. until 7:30 p.m.**

**14. APPLICATION, (No Representation Needed)**

**KNT Enterprises, Inc. d/b/a Kirby's Irish Pub, Bruce Kirby, President** who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their 'Annual St. Patrick Day Event' to be held **under a tent in the**

pub parking lot, located at 818 Kempton Street.; and to be held on **Saturday, March 17, 2011, from 2:00 p.m. until 11:45 p.m.**

**15. APPLICATION, (No Representation Needed)**

**New Bedford Whaling Museum, Amy Morrison, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Combined Speaker Series Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, March 22, 2012 from 6:30 p.m. until 7:30 p.m.**

**16. APPLICATION, (No Representation Needed)**

**New Bedford Whaling Museum, Amy Morrison, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Combined Speaker Series Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, March 29, 2012 from 6:30 p.m. until 7:30 p.m.**

**17. APPLICATION, (No Representation Needed)**

**Global Learning Charter Public School, Alison Bresciani, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser' to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, March 31, 2012 from 5:00 p.m. until 9:00 p.m.**

**18. APPLICATION, (No Representation Needed)**

**New Bedford Whaling Museum, Amy Morrison, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Combined Speaker Series Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, April 5, 2012 from 6:30 p.m. until 7:30 p.m.**

**19. APPLICATION, (No Representation Needed)**

**New Bedford Whaling Museum, Amy Morrison, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Combined Speaker Series Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, April 12, 2012 from 6:30 p.m. until 7:30 p.m.**

**20. APPLICATION, (No Representation Needed)**

**New Bedford Whaling Museum, Amy Morrison, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Combined Speaker Series Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, April 19, 2012 from 6:30 p.m. until 7:30 p.m.**

**21. APPLICATION, (No Representation Needed)**

**New Bedford Whaling Museum, Amy Morrison, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Combined Speaker Series Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, April 26, 2012 from 6:30 p.m. until 7:30 p.m.**

**22. APPLICATION, (No Representation Needed)**

**New Bedford Whaling Museum, Amy Morrison, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Combined Speaker Series Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, May 3, 2012 from 6:30 p.m. until 7:30 p.m.**

**23. APPLICATION, (No Representation Needed)**

**New Bedford Whaling Museum, Amy Morrison, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Combined Speaker Series Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, May 10, 2012 from 6:30 p.m. until 7:30 p.m.**

**24. APPLICATION, (No Representation Needed)**

**New Bedford Whaling Museum, Amy Morrison, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an 'Annual Meeting' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, May 18, 2012 from 5:00 p.m. until 7:00 p.m.**

**25. Hearing: Jalice Café, Inc.**

**Derick Pina Goncalves, Manager**

**1468 Acushnet Avenue**

Your presence and that of Robert Wood, Security Person is requested at a hearing to determine whether you have violated certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of incidents

reported by the New Bedford Police Department, as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 12, 33-**

In no event may sales be made between 2:00 a.m. and 8:00 a.m.

**Violations: Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 10, 12, 19-**

Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated; Premises must at all times be kept safe...; Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.).

**(VIP) BOTTLE SERVICE – Approved & Adopted by Licensing Board Vote February 22, 2010**

**Any type of (VIP) Bottle Service is a violation** of the Happy Hour Restrictions (ABCC 204 CMR 4.03, inclusive).

Therefore, no licensee nor any agent for the licensee or person on behalf of the licensee shall advertise, promote, or offer in any way, whether within or without the licensed premises, any of the practices prohibited under ABCC 204 CMR 4.03; **it's solely the responsibility of the licensee to ensure that no violation of this provision occurs** within the premises, or is offered in any promotional ads whether in print or electronically.

**Exceptions - ABCC 204 CMR 4.04:**

Nothing contained in 204 CMR 4.03 shall be construed to prohibit licensees from offering free food or entertainment (if licensed) at any time; or to prohibit licensees from including a drink as part of a meal package; or to prohibit the sale or delivery of **wine by the bottle or carafe only**, when sold with meals or to more than one person.

**Summary of Incident #1**

Police Department Incident Report states that Officers while on patrol in the area, when they were flagged down by a male bouncer as he was escorting out a male patron who was involved in an altercation within the premises. The male was eventually placed into Protective Custody due to the fact that he was extremely intoxicated; once the male was placed in the police cruiser, the bouncer asked the Officers if they would help him clear the bar. The bouncer stated that the music was still playing and that no one in charge would listen to him that it was time to shut it off. Furthermore, he added that there were still many patrons inside who would not heed his warnings to leave.

The officers stated they entered the premises at 2:15 a.m. and found that there were approximately 10 people in the front "bar" area of the building. These people were asked to leave. The officers then entered the rear "function hall" area, where they observed well over thirty (30) people in various states of merriment. The music was playing at a low volume, but was turned down once the officers entered the area. The officers observed that many of the people still had alcoholic beverages in their hands; at which time the officers were forced to ask the patrons several times to leave, which they reluctantly did after some time; the officers' attention was then drawn to an elevated area which was roped off, leading the officers to believe that it was some type of 'VIP' section.

The officers observed 7 individuals in this section, whom were still lounging about enjoying their alcoholic beverages, at which time the officers re-iterated to them that it was time to leave for the VIP's as well. Once they responded and got up, one of the VIP's got up holding a partially consumed bottle of Hennessy Cognac; when told by the officer that he couldn't leave with a bottle of liquor which he purchased at the bar, he told the officer that he was going to write his name on it and leave it at the bar.

A male who identified himself as the owner approached the officers and informed them that everyone was leaving; when asked by the officers if he knew that he was already on probation, the male began to laugh and said, "yes".

Once the establishment was cleared, the officers made their way outside, where the officers placed another of Jalice's patrons who had too much to drink into protective custody, when he attempted several times to re-enter the bar.

**Date and time of alleged violations: Sunday, January 1, 2012 @ approximately 2:15 a.m.**

**Police Report #'s 12-21-OF**

**Summary of Incident #2**

Police Department Incident Report states that officers were dispatched to Jalice Café located at 1468 Acushnet Avenue on a report of a male with a knife who was trying to assault another male. Upon arrival, the officers observed the defendant who was already in handcuffs being secured against the side of the building by two Jalice Café security people, who had called 911. When questioned by the officers, Mr. (Robert) Wood stated that he was working security inside of the café at the door when he

was approached by the victim, who informed Mr. Wood that he had just been assaulted with a knife. When Mr. Wood and the other security person approached the assailant, they saw part of the knife secured in the waistband of his pants sticking out; when Mr. Wood went to secure the knife, the assailant began to resist but was guided to the floor by both security persons, and was handcuffed by Mr. Wood.

When questioned by the officers, the victim stated he had never seen nor did he know nor did he have any contact or confrontation before this incident with the assailant. He stated that he was minding his own business when he saw the assailant cutting through the crowd coming towards him, at which point he withdrew the 12" knife with brown wooden handle and lunged towards him with the knife, which he managed to quickly dodge and was able to get the attention of Mr. Wood.

While speaking further with the two security people, they informed the officers that the assailant was inside of the bar earlier and was giving one of the bartenders a hard time, at which point he was escorted out by Mr. Wood and Mr. Lymon, only to return a short while later undetected by them.

The reporting officer noted in his report that he was summonsed to and attended a Licensing Board Hearing at City Hall for violations against Jalice Café, at which time the licensee was placed on a one (1) year probation; and since then, there have been still ongoing issues with this establishment; and requested that the Licensing Board look into this still ongoing matter.

**Date and time of alleged violations: Sunday, January 8, 2012 @ approximately 12:11 a.m.**

**Police Report #'s 12-104-AR**

**26. Hearing: Jalice Café, Inc.**

**Derick Pina Goncalves, Manager**

**1468 Acushnet Avenue**

Your presence is requested at a 'Public Hearing' to be held by the New Bedford Licensing Board, the intention of this 'Public Hearing' is to determine whether a roll back (decrease) of hours is warranted as a result of violations of certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of incidents reported by the New Bedford Police Department. This roll back (decrease) of hours could affect the hours in which you will be allowed to be open.

The local licensing authority, may after proper notice, hold a hearing to determine whether a roll back of hours is warranted, on the basis of frequency of arrests, disturbances, and incidents requiring police involvement inside or outside the licensed premises; this decision is one that is not appealable to the Alcoholic Beverages Control Commission or to the superior court. (As noted in Chapter 138, sec. 12 - )

• **INFORMATIONAL MEETING**

A meeting to discuss concerns regarding certain liquor license holders that continue to be problematic, which will include the worst offending liquor license holders over the past five (5) years and any punishment imposed by this Board; also, included to be discussed is a spreadsheet of all the downtown license holders that have had violations noted on the Downtown Weekly Update.

**Invited: David Provencher, Chief of Police**

• **CORRESPONDENCE,**

**From: Emile M. Morad, Jr. Esq.**

**Dated – 02/03/12 Received – 02/06/12**

**Re: Becky D., Inc. d/b/a Southside Annie's**

**114 Cove Street**

Kindly accept this letter as a formal request for an appeal in accordance with M.G.L. Ch. 138, sec. 67 of the decision rendered by the Licensing Board of the City of New Bedford for suspending the license of above referenced licensee for **a period of Seven (7) Days.**

**From: Kim S. Gainsboro, ABCC Chairman**

**Dated – 02/14/12 Received – 02/14/12**

**Re: Jennicas, Inc. d/b/a The Candleworks Restaurant**

**72 North Water Street**

**Re-Scheduled Hearing Date – Thursday, August 11, 2011 @ 1:00 p.m.** for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws Chapter (M.G.L.) OR Code of Massachusetts Regulations (CMR) as follows: M.G.L. CH. 136, sec. 64, **Failure to Comply with the Laws of the Commonwealth, To Wit: M.G.L. Ch. 151A sec.14.** **(Unemployment Insurance)**

**DECISION:** Based on the evidence, the Commission finds that the licensee violated M.G.L. Ch. 151A, sec. 14 – Fair Share Contribution. The Commission **INDEFINITELY SUSPENDS** the license of Jennicas, Inc. d/b/a The Candleworks Restaurant effective February 15, 2012, until further written order of the Commission.

**APPEAL DECISION:** Based on the evidence, the Commission **reconsiders and reverses** its prior order of **INDEFINITE**

**SUSPENSION of Jennicas, Inc. d/b/a The Candleworks Restaurant license effective forthwith.**

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**From: Superior Court, Bristol, SS**

**Dated – 02/16/12 Received – 02/16/12**

**Re: The Three Pumpkins, Inc. d/b/a The Brown Jug**

**479-481 Ashley Boulevard**

**Answer of Trustee Defendant, City of New Bedford to Plaintiff's Amended Complaint:** Trustee Defendant, city of New Bedford is in possession of a liquor license issued to Three Pumpkins, Inc. d/b/a The Brown Jug. The City Licensing Board has noted in the file that **the license has been attached to the amount of Thirty Thousand (\$30,000.00) dollars.**

**Respectfully submitted, John A. Markey, Jr. City Solicitor**

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• **REVIEW POLICE DEPARTMENT INCIDENT REPORT/ COMPLAINTS**

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Dublins Sports Bar N Grille Assaulted/	12 – 276 – AR	01/27/12	Fight/Patrons  Threats w/ a Knife (Approximate Time of Violation 1:35 a.m.)
2. Dublins Sports Bar N Grille	12 – 308 – AR	01/29/12	Disturbance/Patrons & Staff Assaulted w/Chairs (Approximate Time of Violation 2:03 a.m.)
3. Dublins Sports Bar N Grille	12 – 307 – AR “Supplemental Report”	01/29/12	Disturbance/Patrons & Staff Assaulted w/Chairs (Approximate Time of Violation 2:03 a.m.)
4. Dublins Sports Bar N Grille	12 – 306 – AR “Supplemental Report”	01/29/12	Disturbance/Patrons & Staff Assaulted w/Chairs (Approximate Time of Violation 2:03 a.m.)

• **COMPLAINTS RECEIVED:**

---NONE---

• **ANNUAL REPORT 2011**

In accordance with **Chapter 138, s10A of the Massachusetts General Laws**, relative to the granting of licenses for the sale of alcoholic beverages, we are pleased to submit herewith a full report of the actions of the New Bedford Licensing Board for the year **2011.**

There were a total of **182** liquor licenses granted as renewals for the year **2012.**

There was **1 New Retail Package Store Wine & Malt only license** granted in 2011 and was renewed for **2012. (Crush Beverages Company, Inc. d/b/a Crush Fine Wines – Lic. #221)**

There was **1 New Common Victualler (Restaurant) Wine & Malt only license** granted in 2011 and was renewed for **2012. (Spicy Lime, Inc. d/b/a Spicy Lime Thai Cuisine – Lic. #219)**

There was **1 New Farmer-Winery Pouring Permit** granted in 2011 and was renewed for **2012. (Travessia, LLC d/b/a Travessia – Lic. #220) – Note: Permit Not Included In the 182 Total**

There was **1 Seasonal license** granted as a renewal in **2011. (MWTP Restaurant Ventures, Inc. d/b/a Davy's Tiki Bar – Lic. #214) - Note: Licensee plans to renew license in 2012; Permit Not Included In the 182 Total**

The number of licenses of each class renewed for **2012** is as follows:

Innholder All Alcoholic Beverages .....	2	
Restaurant All Alcoholic Beverages .....	85	
Restaurant Wines and Malt Beverages (7 Days Licenses)		15
Restaurant Wines and Malt Beverages (6 Days Licenses)		4
General on Premise All Alcoholic Beverages.....	17	
Club All Alcoholic Beverages.....	26	
Club Wines and Malt Beverages .....	0	
Retail Package Goods Store All Alcoholic Beverages .....	24	
Retail Package Goods Store Wines and Malt Beverages....	9	
Druggist All Alcoholic Beverages .....		0
<b><u>Total Licenses</u></b> .....	<b><u>182</u></b>	<b><u>(+2)</u></b>

**Special One - Day Licenses Granted in 2011:**

Special One Day All Alcoholic Beverages Licenses.....	<b><u>115</u></b>
Special One Day Wines and Malt Beverages Licenses.....	<b><u>40</u></b>

Revenue received from the various classifications of licenses during **2011:**

**New Common Victualler (Restaurant) Wine & Malt Only** license granted to **Spicy Lime, Inc. d/b/a Spicy Lime Thai Cuisine**---Issued on June 13, 2011 \$962.00

**Renewals:**

2 Innholder All Alcoholic Beverages Licenses	\$8,200.00
85 Restaurant All Alcoholic Beverages Licenses	\$242,250.00
4 Restaurant Wines and Malt Beverages (6 DAY Wine & Malt)	\$6,400.00
15 Restaurant Wine and Malt Beverages (7 Day Wine & Malt)	\$25,500.00
17 General on Premise All Alcoholic Beverages Licenses	\$49,300.00
26 Club All Alcoholic Beverages Licenses	\$57,200.00
24 Retail Package Goods Store All Alcoholic Beverages Licenses	\$55,200.00
9 Retail Package Goods Store Wines and Malt Beverages Licenses	\$13,950.00
1 Farmer-Winery Pouring Permit	\$1,200.00
1 Seasonal License (Davy's Tiki Bar)	\$1,500.00
115 Special One - Day All Alcoholic Beverages Licenses	\$11,400.00
40 Special One - Day Wines and Malt Beverages Licenses	\$3,000.00
46 Filing Fees	\$3,450.00
Total Revenue.....	\$479,612.00

Schedule of License Fees for **2012 (No Changes)** are as follows:

Innholder All Alcoholic Beverages	\$4,100.00
Restaurant All Alcoholic Beverages	\$2,850.00
Restaurant Wines and Malt Beverages - 7 Days	\$1,700.00
Restaurant Wines and Malt Beverages - 6 Days	\$1,600.00
General on Premise All Alcoholic Beverages	\$2,900.00
Club All Alcoholic Beverages	\$2,200.00
Club Wines and Malt Beverages	\$1,350.00
Retail Package Goods Store All Alcoholic Beverages	\$2,300.00
Retail Package Goods Store Wines and Malt Beverages	\$1,550.00



Farmer-Winery Pouring Permit (New)	\$1,200.00
Restaurant All Alcoholic Beverages (Seasonal)	\$1,750.00
Druggist All Alcoholic Beverages	\$600.00
Special One-Day All Alcoholic Beverages	\$100.00
Special One-Day Wines and Malt Beverages	\$75.00
Filing Fees	\$75.00

The foregoing is a correct statement of the number of liquor licenses, the fees charged for same, and the total amount of revenue received from the licenses by the **New Bedford Licensing Board for the year 2011.**

- **NEXT TWO (2) MEETING DATES:** March 26<sup>th</sup> & April 23<sup>rd</sup>
- **MEETING ADJOURNED:**